

Giuseppe Garibaldi: a Sardinian in the Italian Risorgimento

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This year marks the bicentenary of Giuseppe Garibaldi's birth which took place in Nice on 4 July 1807. Reams have been written about the man, and so it would seem that everything possible has been said and written about him, and that there remains precious little to research on the man and his life¹.

There is, however, one aspect of Garibaldi's identity which has never been tackled by Risorgimento historians and which involves and completely alters all the vicissitudes of what is incorrectly called Italian Unification: was Garibaldi Sardinian or Italian? (Of course, the question is asked from an institutional rather than anthropological viewpoint.)

It certainly cannot be said that Garibaldi was Italian, in the sense of belonging to the Italian nation, since we cannot begin to speak of an Italian nation before 1861.

A nation means a community of people who have an *idem sentire* i.e. who are conscious of a community of prejuridical or postjuridical aggregative factors (in other words, aggregative factors before the community becomes a state or after the state is formed). The nation, therefore, is not a political or a historical-social concept like the state, made up of one people or of several peoples settled permanently in a territory and bound together by the same original juridical framework, but it is a cultural concept in that the nation is made up of one people or of several peoples who live within or outside a state territory, who may or may not be under the same laws, yet – *in toto* or *in parte*, of their

¹ For the list of all the publications on Giuseppe Garibaldi, see the classic bibliography: A. P. Campanella, *Giuseppe Garibaldi e la tradizione garibaldina: una bibliografia dal 1807 al 1970*, (Comitato dell'Istituto Internazionale di Studi Garibaldini: Geneva 1971). See also: A. Scirocco, *Garibaldi: Battaglie, amori, ideali di un cittadino del mondo*, (Laterza 2001).

own will and acceptance – share a common history, language, folklore, traditions, literature, art and religion².

There are states with several nations and nations which occupy several states. And whereas a state is born and dies in an instant, a nation is formed after years, after decades and sometimes after centuries of community life, so much the better if within a state; similarly a nation survives for a long time, sometimes even for thousands of years after the very state that has produced it ceases to exist, as in the case of the Hebrew nation which was scattered worldwide after the Diaspora of 70 A.D.

According to traditional post-Risorgimento historians, the Italian nation existed as *idem sentire* before 1861, and they seek it in the past to justify the birth of the Italian state as the result of a *coincé* – mainly in the Italian peninsula – which would seem to have begun in the Paleolithic period³. And, from this point of view, they pass off, for example, Alboinus, Gregory the Great, Frederick II, Dante Alighieri and Christopher Columbus as Italians in the modern sense; whereas, in fact, Christopher Columbus was a citizen of the Republic of Genoa who, on meeting a citizen of the Republic of Pisa or of the Republic of Venice did not feel that the Pisan or the Venetian were “Italian”, but felt them to be foreign, as though they were French or German, and, if necessary, fought them. It was the same for Dante Alighieri, in exile at Ravenna, and for Frederick II, an adversary of the Church of Rome.

Differing from our traditionalist colleagues, we are of the opinion that we cannot begin to speak of an Italian nation until after 17 March 1861, when the Kingdom of Sardinia annexed almost all the states of the Italian peninsula: they thus vanished as juridical subjects but remained, with their national characteristics still visible, as ethnic groups, within an Italian nation. Even nowadays attempts are still being made to form an Italian nation (“now that Italy has been created, let’s create the Italians!”)

² In this paper, all references to anything concerning the concepts of the nation and the state come from: G. Del Vecchio, *Lo Stato*, (Universale Studium: Rome 1953); O. Ranelletti, *Istituzioni di Diritto pubblico. Il nuovo Diritto pubblico italiano*, (CEDAM: Padua 1929); G. Balladore Pallieri, *Diritto costituzionale*, (Giuffrè editore: Milan 1976); *Enciclopedia Italiana di Scienze, Lettere ed Arti* published by the Istituto della Enciclopedia Italiana founded by Giovanni Treccani, 35 volumes (plus Indexes and Updated Supplements: Rome 1949).

³ E. Sestan, *Stato e Nazione. Ricerche sulle origini nazionali in Francia, Italia, Germania*, Edizioni Scientifiche Italiane Naples, 1994; G. Volpe, *L’Italia che nasce*, (Vallecchi: Florence 1969).

by means of a national education system, by means of the use of aggregative mass media (the press, films, radio and television), and, above all, by teaching Italian history in a way that is very open to criticism, because it is false in that it makes the history of the Italian peninsula seem to be the same as the history of the state of Italy⁴.

It is thus evident that Giuseppe Garibaldi can not be called Italian, since he was born in Nice which, at that time, was part of the Kingdom of Sardinia.

Initially the town of Nice, together with the vicariates of Nice, Sospello, Puget-Theniers and Barcelonetta, constituted one of the states governed by the House of Savoy, acquired by Amedeo VII, known as the Red Count, on 28 September, 1388, following the Grimaldi di Boglio conspiracy. The territory was called Terre Nuove di Provenza. Charles II raised it to the status of an earldom in 1526 by instituting a Senate⁵.

With the end of the earldom's parliament and the introduction of Piedmontese government intendants during the reign of Victor Amedeus II, in 1699 it was no longer an earldom. From 1700 onwards, the tiny Ligurian enclave Oneglia, acquired by the House of Savoy in 1576, was part of the region.

Nice followed the destiny of the Principality of Piedmont⁶ which, on

⁴ F.C. Casula, *La terza via della storia. Il caso Italia*, (ETS: Pisa 1997).

⁵ *Bibliografia statutaria italiana 1985-1995*, Biblioteca del Senato della Repubblica, (Rome 1998).

⁶ In 1760, following the Treaty of Turin between the Kingdom of Sardinia and the Kingdom of France, the border between the County of Nice and that of Provence was altered. Gattières and the right bank of the River Esterone were given to France while the towns of Guglielmi and La Penna passed to Sardinia. In 1789 the Nice County was counter-revolutionary. On 29 September 1792 it was invaded by the young French Republic's Southern Army. On 31 January 1793 the French National Convention ordered the County's integration into the Republican State and the creation of the Department of the Maritime Alps. It was into this historical context that Garibaldi was born and this is the reason why some historians consider Garibaldi French. However, it should be noted that, according to common International Law: "A State becomes extinct when it is totally incorporated into another one or is divided up among various states, or else when its juridical basis is destroyed following debellation, that is destruction after a war." In another words: a subject ceases to exist when the juridical status with which it is identified ceases to exist and therefore its re-qualification as a State." For this to occur a peace treaty between the parties concerned is needed with an international recognition of the new situation (R. Monaco, *Manuale di Diritto internazionale pubblico*, UTET, 2nd edn, Turin, 1985, p. 320). This did not happen. On 23 April 1814 the County returned under the rule of the Sardinian King Victor Emmanuel I, therefore Garibaldi can be defined as a Sardinian subject, born during French occupation of the town.

8 August 1720, combined with the island Kingdom of Sardinia as a federation until 3 December 1847 when, together with the Duchy of Savoy, it merged into a single state which continued to be called the Kingdom of Sardinia.

Unfortunately, no one knows anything, either at lay or academic level, about this state, from which all the history of Italy stems. No one knows when it came into being, where it came into being or how it came into being, nor what happened or did not happen to it. And yet all the historical, archival, literary, pictorial and cartographical sources are obvious and evident: it is just that no one wants to see them, perhaps because of the state's humble origins, or because of chauvinism or scientific obtuseness⁷.

The state in question came into being, initially with the name of the Kingdom of "Sardinia and Corsica", on 19 June 1324 at Cagliari-Bonaria⁸.

From the very beginning, it was part of the Crown of Aragon, to which it was officially united with the General Courts Assembly at Fraga in August-September 1460.

On 19 January 1479 when, with the personal union of Ferdinand II of Aragon and Isabel of Castile, who had married ten years previously, the Spanish Crown (which added the states of the Crown of Aragon to those of the Crown of Castile without by rights abolishing these two Crowns) came into being, the Kingdom of "Sardinia and Corsica" became simply the Kingdom of Sardinia in the royal title, since Corsica was never conquered and was included among the nominal kingdoms of the new Spanish Crown.

Consisting of the whole island, the Kingdom of Sardinia kept the same borders until 8 August 1720 when, in compliance with the 1718

⁷ See, for example, the following atlas: M.A.H. Dufour, *Le Globe* (Paris, 1806); C. Maggi, *Carta dell'Italia colla divisione attuale degli Stati* (Torino 1847). See also the Italian maps in the *Division of Maps of the Library of Congress* (Washington D.C., USA); Fenner's pocket *Atlas Modern and Ancient Geography* (Robert Jennings: London 1828); *New General Atlas of the Globe* (M. Malte-Brun, John Gregg; Philadelphia 1828); *Idem* (1829); *Idem* (1832); *A New General Atlas* (G.S. Williams: New Haven 1832); *Italy. Published under the Superintendence of the Society for the Diffusion of Useful Knowledge* (Baldwin and Cradock: London 1832); *Noedrlliches Italien* (Stato maggiore austriaco, F.V. Stüpln 1833); *Comprehensive Atlas* (T.G. Bradford: Boston 1835); *New Universal Atlas* (H.S. Tanner: Philadelphia 1846). Here, the maps of Liguria and Piedmont are erroneously listed as "Continental Sardinia", instead of "Continental Kingdom of Sardinia".

⁸ F.C. Casula, *La storia di Sardegna*, 3 vols., (Delfino editore: Sassari 1994).

Treaty of London, it was handed over to Victor Amedeus II of Savoy (I of Sardinia) who enlarged it by adding his hereditary states, consisting of the Duchy of Savoy (the birthplace of the House of Savoy) and the Principality of Piedmont, with the Duchy of Aosta and the Duchy of Monferrato, the Signoria of Vercelli, the *contadi* of Nice and Asti, the Marquisate of Saluzzo and part of the Duchy of Milan.

The Kingdom of Sardinia thus became a composite state, formed by the union of several states which kept their own property of states, but did not constitute a new subject that was superior to them, a new state⁹.

The Kingdom of Sardinia went back to being an island for more than fifteen years – from 8 December 1798 to 19 May 1814 – because Napoleon annexed Piedmont. However, on 6 June 1815, the Congress of Vienna decreed that the Kingdom of Sardinia should regain its former territories, and should also include the Duchy of Genoa.

On 20 December 1847, with a perfect merging, the composite state became a unified state with a single people, a single territory and a single executive and legislative public power¹⁰; hence school textbooks of the time wrote: “the Kingdom borders with Switzerland and with the cantons of Valais and Ticino to the north; to the east with the canton of Ticino, with the government of Milan in the Austrian Empire, with the Duchy of

⁹ According to law, the composite state is a kind of aggregation of states of different kinds. Federation is of interest to us in this paper. Federation gives rise to a composite state, in that the constituent elements of this state are several states which, all together, constitute an association in which they are all equal. In the federal state, the member states enjoy mutual equality, and none of them has the *summa potestas* which nowadays refers to the international juridical capacity which the federal state uses in its relations with foreign countries. The federal state has its own territory consisting of the whole of the territories of the member states, and its own population consisting of the whole of the peoples of the individual member states. From 1720 to 1847 the (territorial) Kingdom of Sardinia was in federal union with the (territorial) Principality of Piedmont, the (territorial) Duchy of Savoy and the (territorial) Earldom of Nice, forming a composite state called, as a whole, the Kingdom of Sardinia. The natural evolution of federation is the merging of the aggregate states to give rise to the unitary state, as happened in the case of the Kingdom of Sardinia in 1847.

¹⁰ The unitary or simple state is the result of the merging of the former confederate states which voluntarily give up their respective political and institutional structures, each one losing its original profile, but, however, without creating a superior *subiectus*, another state. The Kingdom of Sardinia became a unitary or simple state in 1847, and not in 1861 in that it expanded by means of annexations, not by means of mergers.

Parma, with the former Tuscan Lunigiana and with the Duchy of Massa which nowadays is part of the Duchy of Modena; to the south with the Mediterranean; and to the west with France”¹¹.

After the wars of the Risorgimento waged by the Kingdom, on 24 March 1860 the Kingdom of Sardinia lost the Duchy of Savoy and the Earldom of Nice, but acquired the territories of other states of the Italian peninsula: the Duchy of Parma (11-12 March 1860), the Duchy of Modena (11-12 March 1860), the Grand Duchy of Tuscany (11-12 March 1860) and the Kingdom of the Two Sicilies (21 October 1860) which, through annexation, became extinct; it also acquired the territories of provinces that seceded from their respective states, as was the case of Lombardy which separated from the Lombard-Venetian Kingdom (11 July 1859); and it acquired Romagna, the Marshes and Umbria which seceded from the Papal State (4-5 November 1860).

In actual fact, until the morning of Sunday 17 March 1861, the whole of the Italian peninsula became an integral part of the Kingdom of Sardinia, a state which had broadened its *oecumene* without at all changing its identity.

Faculty of Laws’ textbooks state:

“The present-day Italian State is none other than the ancient Kingdom of Sardinia, profoundly changed in its political structure and no less changed in its borders...”

“All the changes which took place from the ancient Kingdom of Sardinia until the present day were internal changes, as a result of which the pre-existent juridical order did in fact change, and did so in important areas, but in such a way that it never disappeared and never gave way to a new order...”

“The very name the Kingdom of Italy (*Regno d’Italia*), legalised on 17 March 1861 with law 4671, is merely the new name, more fitting to the actual new situation, adopted by the old state. But neither on this

¹¹ G. Califfi, *Nuovi elementi di geografia* (Florence 1850), p. 343 *et seq.*

occasion, nor on any other previous or subsequent occasion, was there any *ex novo* constitution of a state political body...¹²

Giuseppe Garibaldi's legal and political status is to be found in this historical and institutional framework. He is to be considered Sardinian to all effects in that he was subject to Sardinian laws and regulations, both on the island of Sardinia and on the mainland.

From 1856, Garibaldi, as a Sardinian, took up residence on the small island of Caprera, where he had bought some land and had a house built at the suggestion of Pietro Susini, his friend from La Maddalena. He lived there for twenty-six years, partly in voluntary retirement and partly on the orders of his government which did not always approve of his political leanings. With the more or less tacit consent of the authorities, Garibaldi left Caprera for his great military enterprises: in 1858, at the outbreak of the Second War of Independence; and in 1860 for the famous Expedition of the Thousand which gave the Kingdom of Sardinia – Garibaldi being a Sardinian – the Kingdom of the Two Sicilies.

Since this was the situation, it must be asked why all school textbooks, biographies and encyclopedias claim that Garibaldi was Italian, and why, through him, they attribute Italian Unity to an ancestral sentiment that the Italian peninsula shared a single identity, an idea which was nourished by the ancient dreams of Dante, Petrarch, Machiavelli and Guicciardini.

This is not so much ignorance or a misunderstanding: it is a deliberate conjuror's trick of post-Risorgimento Italy where something is shown as something else, where history is altered and reinvented for solely political reasons and for reasons of expediency and national interest.

The truth is as follows.

With the Risorgimento there was no merging, no confluence of federate or confederate states to create a single state of Italy. There was no legal and political unity in that, with the exception of the Papal States and the Republic of San Marino (the Veneto region was part of the Austrian Empire), all the states of the Italian Peninsula were annexed to

¹² See note 2.

the Kingdom of Sardinia by means of a war or a plebiscite, and they became totally and unconditionally extinct¹⁵.

In Turin, on 18 February 1861, with a solemn address revised by his minister Camillo Benso, Count of Cavour, Victor Emmanuel II opened the new Parliament which was made up of representatives of all the former Italian territories and states which were annexed to the Kingdom of Sardinia, with the aim of examining the government project for national unification (non-legal and non-political).

The King supervised the debate in order to ensure that any emergence of democracy be rejected. Unlike the King of the Belgians who took this title in homage to the idea that all the peoples of Belgium were equal, Victor Emmanuel refused the title of the first King of the Italians (Victor Emmanuel I, King of the Italians) and kept that of Victor Emmanuel II of Sardinia.

The English historian, Denis Mack Smith, in his famous book, *A History of Italy*, comments on this delicate moment:

"In deference to dynastic vanity, the Italian constitution remained exactly the same as that granted to Piedmont (i.e. the Kingdom of Sardinia) in 1848, and, in the official terminology, the 1861 Parliament

¹⁵ This concept is acknowledged by traditional historiography which mixes up and confuses the unity of the state with the unity of the nation, and politics with institutions. For example, Giorgio Candeloro writes: "In order to understand the main features of the legal set-up given at the time (in 1861) to the (?) single state, which still subsist nowadays, it must be remembered that the way in which political unification came about rendered impossible both a federal solution and the convocation of a national Constituent Assembly which would establish *ex novo* the regulations of the Italian state. Unification came about by the annexation of the other Italian states (or part of them) to the Kingdom of Sardinia. The annexation of one of these states, Lombardy, was decided by an international treaty, whereas the annexation of the others was decided by plebiscites which approved formulae of unconditional union, in other words, without pacts in which the population was the subject of a conqueror, or clauses which guaranteed the survival of particular institutions or laws in the annexed territories. The principle of unconditional union, which was never questioned at the time of the annexation of Emilia and Tuscany, was established explicitly by the law on annexation proposed by Cavour and approved by Parliament with a huge majority in October 1860: the annexation of Southern Italy, of the Marshes and of Umbria took place in accordance with this law. The Kingdom of Italy was therefore a new state because of its national character and because it was formally founded on popular consent voiced in the plebiscites, but it was also the continuation of the Kingdom of Sardinia, the dynasty and Statute of which it inherited, together with very important parts of its legislative, administrative, financial and military system." (G. Candeloro, *Storia dell'Italia moderna*, (Feltrinelli: Milan 1968), vol. V, pp. 105-106; 137-139).

was not the first but the eighth Parliament. The king continued to be called Victor Emmanuel II and celebrated his Jubilee in 1874, despite there being some critics who observed that James VI of Scotland had condescended to being called James I of England, and that Henry III of Navarre became Henry IV of France.¹⁴

After a long debate, on 17 March 1861 the King, together with Cavour, at last signed the following law which, through him, changed the name of the state from the Kingdom of Sardinia to the Kingdom of Italy:

VICTOR EMMANUEL II

King of Sardinia, of Cyprus and of Jerusalem etc.

*The Senate and the Chamber of Deputies have approved;
We have sanctioned and promulgate the following:*

Single Article

King Victor Emmanuel II assumes for himself and his successors the title of King of Italy.

We order that this document herewith, furnished with the Seal of State, be placed in the body of the government Acts, and that whosoever is bound to do so, observe and ensure the observation of this Law.

However, according to *Diritto Costituzionale* (Constitutional Law), "...neither on this occasion, nor on any other previous or subsequent occasion was there any *ex novo* constitution of a state political body. The name, the Kingdom of Italy, assumed with law number 4671 on 17 March 1861, is merely the new name, which is more appropriate to the actual new situation, assumed by the Sardinian State."¹⁵

Changing the name of a state is neither unconstitutional, revolutionary nor unusual. A state's name, title and symbology belong to the category of the state's "attributes of legal status": they can be changed or even

¹⁴ D. Mack Smith, *Storia d'Italia. 1861-1969*, (Laterza: Rome-Bari), 1987, pp. 94-95.

¹⁵ G. Balladore Pallicri, *Diritto costituzionale*, p.138.

abolished without the state suffering and without its changing its juridical status. In the course of history, this has happened many times all over the world: in 1302 the Kingdom of Sicily changed its name to the Kingdom of Trinacria, in 1789 the Kingdom of France changed its title and its name to the French Republic, and from 1939 until 1947 Spain had neither a title nor a name, being called simply *El Estado*.

The change of name in 1861 from the Kingdom of Sardinia to the Kingdom of Italy was probably right and sensible in that most of the State's *oecumene* was represented by the Italian peninsula.

But what is wrong and unacceptable is that the change of name has brought with it the changing of the history of the state, and, together with this, the myth that all the great personages of Italy – poets, warriors and navigators – were Italian citizens¹⁶. It is as though, in a few centuries, Hitler, Mussolini, Churchill and De Gaulle will be joined together in brotherhood because they were all European by birth.

From that morning of 17 March 1861, the history of the state is no longer the history of the Kingdom of Sardinia, begun in 1324 and steeped in the blood and sweat of Sardinians for 537 years, but the history of the Italian peninsula, from the Etruscans to the Piedmontese. Consequently, at school, where tomorrow's society is shaped and formed, pupils learn

¹⁶ Among the many, see: G. La Farina, *Storia d'Italia dal 1815 al 1850*, 6 vols., (Soc. Editrice Italiana, 1851); L. Anelli, *Storia d'Italia dal 1814 al 1863*, 6 vols., (Vallardi: Milan 1864-68); N. Nisco, *Storia civile del regno d'Italia dal 1848 al 1870*, 6 vols., (Morano: Naples 1865-1892); C. Belviglieri, *Storia d'Italia dal 1814 al 1866*, 6 vols., (Corona e Caimi, Milan 1867-1870); L. Zini, *Storia d'Italia dal 1850 al 1866*, 4 vols., (Guidoni: Milan 1869-1875); C. Mariani, *Le guerre dell'indipendenza italiana dal 1848 al 1870*, 4 vols., (Roux: Turin 1882-84); C. Cantù, *Cronistoria dell'indipendenza italiana*, 4 vols., (Unione Tipografica: Turin 1893-1896); A. Gori, *Storia politica d'Italia. Il Risorgimento (1860-1900)*, (Vallardi: Milan 1904); I. Del Lungo, *Patria italiana*, (Zanichelli: Bologna 1909); (Bolton King, *Storia dell'unità italiana*, 2 vols., (Treves Milan 1910); P. Larizza, *Storia del Risorgimento italiano (1816-1920)*, (Loescher: Rome 1920); I. Raulich, *Storia del Risorgimento politico d'Italia*, 3 vols., (Zanichelli: Bologna, 1920-23; M. Rosi, *Storia d'Italia dalle origini del Risorgimento alla conflagrazione europea*, (UTET: Turin 1922); B. Croce, *Storia d'Italia dal 1871 al 1915*, (Laterza, Bari 1928); F. Cognasso, *Storia d'Italia*, 3 vols., (Paravia: Turin 1936); C. Spellanzon, *Storia del Risorgimento e dell'unità italiana*, 5 vols., (Rizzoli: Milan 1943-53); F. Cognasso, S. F. Romano, A. Tosti, *Storia d'Italia*, 3 vols., (Editrice Primato: Rome 1960); G. Candeloro, *Storia dell'Italia moderna*, 11 vols., (Feltrinelli: Milan 1956-86); G. Procacci, *Storia degli Italiani*, (Laterza: Bari, 1975); D. Mack Smith, *Storia d'Italia (1861-1969)*, (Laterza: Rome-Bari 1987).

about the Battle of Legnano or the Challenge of Barletta which were irrelevant to the forming of the state, but they do not learn about the Battle of Lotucisterna or the Battle of Sanluri, without which that entity for which all Italians, both on the mainland and in the islands, work, pray, fight and pay taxes, would not exist.

problems

